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Admitted to Practice Law
in the State of New York

April 14, 2022

**Steven J. Moser, Esq.
Moser Law Firm, P.C.
5 E. Main Street
Huntington, New York 11743**

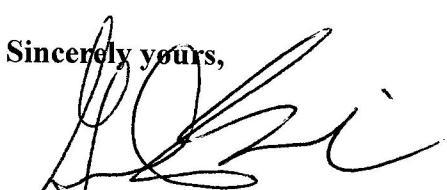
Re: **Jonatan Barahona and Hector Hernandez v. Paradise Tree Service & Landscape, Corp. and William Nieto**
Venue: **United States District Court, Eastern District of New York**
Civil Action No.: 2:21-cv-05400 (GRB)(AYS)

Dear Mr. Moser:

Regarding the above matter, please find enclosed an Affidavit executed by my client in compliance with the Court's order regarding payroll records, time records, policies, etc.

Please contact me should you wish to discuss this matter. Respectfully, I remain,

Sincerely yours,


Glenn J. Ingoglia
GJI/vv
Encls.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JONATAN BARAHONA and HECTOR HERNANDEZ,

Plaintiffs,

Civil Action No.: 2:21-cv-
05400 (GRB)(AYS)

-against-

PARADISE TREE SERVICE & LANDSCAPE, CORP.
and **WILLIAM NIETO,**

Defendants.

-----X
STATE OF NEW YORK)

s.s.:

COUNTY OF NASSAU)

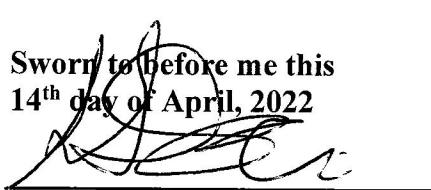
WILLIAM NIETO, does hereby state the following is true, under the penalties of perjury, to the best of my knowledge:

1. I am the President/Owner of PARADISE TREE SERVICE & LANDSCAPE, CORP. ("The Company" Hereinafter).
2. I have conducted a search for the following records: time sheets or other time records and payroll records in The Company's possession, custody or control that pertain to work the Plaintiffs allege they performed during the period for which the Plaintiffs claim unpaid wages. There are no documents found as a result of that search and the search is ongoing.
3. I also conducted a search of any printed documentation concerning The Company's "policies and practices on compensating workers performing the relevant type of work." There are no documents found as a result of that search and the search is ongoing.

4. Plaintiff, Jonatan Barahona, worked for The Company from approximately February 2017 through June 2021 at a rate of three or four days per week.
5. The workdays varied in length, but at all times, started at the yard at approximately 8:00 a.m. and finished at the yard from the hours of 4:00 p.m. through 6:00 p.m.
6. From February 2017 to June 2018, I paid the Plaintiff, Jonatan Barahona, the sum of \$150.00 per workday. From June 2018 through September 2019, I paid the Plaintiff the sum of \$200.00 per workday. From September 2019 to June 2021, I paid the Plaintiff, Jonatan Barahona, the sum of \$300.00 per workday.
7. I paid overtime wages to the Plaintiff at a rate of \$30.00 per half hour worked past 6:00 p.m. and \$50.00 for every hour worked past 6:00 p.m.
8. During the Summer of 2018, the Plaintiff stopped working for me for approximately three months in order to work with a local roofing company.
9. The Plaintiff, Hector Hernandez, only worked for me for two weeks in September 2019 and three weeks in approximately June or July 2020. He worked at a rate of three or four days per week. The workday varied but was usually started at 8:00 a.m. and ended anywhere from 4:00 p.m. to 6:00 p.m. I paid Hector Hernandez \$200.00 per day. I paid him overtime wages at a rate of \$30.00 per half hour worked past 6:00 p.m. and \$50.00 for every hour worked past 6:00 p.m.

Dated: April 14, 2022

Sworn to before me this
14th day of April, 2022


Notary Public


WILLIAM NIETO

